

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

TRANSLATION
PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

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| | | Date of mailing (day/month/year) |
| Applicant's or agent's file reference KFE0113WOJ | | FOR FURTHER ACTION See paragraph 2 below |
| International application No. PCT/JP2005/005580 | International filing date (day/month/year) 25.03.2005 | Priority date (day/month/year) 30.03.2004 |
| International Patent Classification (IPC) or both national classification and IPC | | |
| Applicant KUREHA CORPORATION | | |

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| <p>1. This opinion contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p> |
| <p>2. FURTHER ACTION</p> <p>If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.</p> <p>If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.</p> <p>For further options, see Form PCT/ISA/220.</p> <p>3. For further details, see notes to Form PCT/ISA/220.</p> |

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| Name and mailing address of the ISA/JP | Authorized officer |
| Facsimile No. | Telephone No. |

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International application No.
PCT/JP2005/005580

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2005/005580

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|--|--------|--|-----|-------------|--------|--------|-----|--|--------|--|----|---------------------|--------|--------|-----|--|--------|--|----|-------------------------------|--------|--------|-----|--|--------|--|----|
| Box No. V | | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>1. Statement</p> <table> <tr> <td>Novelty (N)</td> <td>Claims</td> <td>1 - 11</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td></td> <td>NO</td> </tr> <tr> <td>Inventive step (IS)</td> <td>Claims</td> <td>1 - 11</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td></td> <td>NO</td> </tr> <tr> <td>Industrial applicability (IA)</td> <td>Claims</td> <td>1 - 11</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td></td> <td>NO</td> </tr> </table> | | | | Novelty (N) | Claims | 1 - 11 | YES | | Claims | | NO | Inventive step (IS) | Claims | 1 - 11 | YES | | Claims | | NO | Industrial applicability (IA) | Claims | 1 - 11 | YES | | Claims | | NO |
| Novelty (N) | Claims | 1 - 11 | YES | | | | | | | | | | | | | | | | | | | | | | | | |
| | Claims | | NO | | | | | | | | | | | | | | | | | | | | | | | | |
| Inventive step (IS) | Claims | 1 - 11 | YES | | | | | | | | | | | | | | | | | | | | | | | | |
| | Claims | | NO | | | | | | | | | | | | | | | | | | | | | | | | |
| Industrial applicability (IA) | Claims | 1 - 11 | YES | | | | | | | | | | | | | | | | | | | | | | | | |
| | Claims | | NO | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>2. Citations and explanations:</p> <p>Document 1: JP 7-320740 A (Kureha Chemical Industry Co. Ltd.), 08 December 1995, full text</p> <p>Document 2: JP 8-064207 A (Kureha Chemical Industry Co. Ltd.), 08 March 1996, full text</p> <p>Document 3: WO 02/083557 A1 (LG Chemical Ltd.), 24 October 2002, full text</p> <p>The inventions of claims 1-11 appear to possess novelty and to involve an inventive step. The A material for negative electrode for nonaqueous electrolyte secondary battery, comprised of a spherical carbon material with a sphericity if 0.8 or more, exhibiting, as measured by X-ray diffractometry, an (002) average layer spacing of 0.365 to 0.400 nm and a crystallite diameter in the c-axis direction $L_c(002)$ of 3.0 nm or less and, as measured by elementary analysis, an atomic ratio between hydrogen and carbon (H/C) of 0.1 or less and an average particle diameter $D_{v50}(\mu\text{m})$ of 1-20 μm of the invention described in claims 1-11 is neither described in any of documents 1-3 cited in the ISR, nor is it obvious to a person skilled in the art.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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PCT/JP2005/005580

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

According to page 19 of the description, the raw material in comparison example 9 is a phenol resin, but according to Table 1 on page 23 of the description, the raw material in comparison example 9 is a vinyl resin. The raw material for comparison example 9 is not consistent throughout the description.